

CLARK COUNTY'S LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)

CONSTITUTION AND BY-LAWS

Article I: Name

The name of this committee is the Clark County Local Emergency Planning Committee, (hereinafter referred to as the LEPC). The LEPC is authorized by federal law, state law, and by appointments duly issued by the State Emergency Responses Commission, (hereinafter referred to as SERC), from a list of persons submitted and recommended to the SERC by the Clark County Commissioners in accordance with provisions of the Ohio Revised Code (ORC) 3750.03(B).

Article II: State and Federal Laws

State and Federal laws applicable to LEPCs are Superfund Amendments and Reauthorization Act of 1986 (SARA), 42 U.S.C. 1100 (c); and Ohio Revised Code 3750, as revised and as supplemented by the Ohio Administrative Code (OAC).

Article III: Purpose and Objectives

Section 1 – The purpose of the LEPC:

As stated on ORC 3750.04(A), the LEPC shall develop a chemical emergency response and preparedness plan for planning district Clark County; establish procedures for conducting its public information and education responsibilities; receive and process requests for information from the public; notify the public of all LEPC activities and meetings; print and distribute the emergency plan and make it publicly available; receive reports and information as specified in ORC Chapter 3750.

With the information as reports received from facilities operating within the district, and analysis of the districts transportation risks, the LEPC will perform a hazard analysis, establish and maintain a database of hazardous chemical locations and quantities in the district and establish and maintain a computer system for data management. Detailed information on all facilities with Extremely Hazardous Substances (EHS) will be included in the emergency plan (ORC Section 3750.04).

The LEPC is instrumental in fulfilling the purpose of the Community Right-To-Know law to increase the protection of the community from chemicals produced, used, stored, and/or transported within the planning district. Transportation hazards analysis will include those risks to the district from commercial transportation.

All meetings, including sub-committees and ad hoc committee meetings are open to the public.

Section 2: The Objectives of the LEPC are:

- a. To prepare and maintain a comprehensive and coordinated chemical emergency prepared and response plan for Clark County.
- b. To receive and process the public information requests in accordance with ORC Section 3750.03 and SERC resolutions.
- c. To implement the LEPC rules and requirements as outlined in ORC Section 3750.03 with special emphasis on ORC Section 3750.03(D).
- d. To carry out the powers and duties set forth in rules and resolutions of SERC.
- e. To appoint appropriate sub-committees or other ad hoc committees to assist the LEPC on the duties and responsibilities as listed in ORC Section 3750.003 and ORC 3750.04; for example, preparation and maintenance of the County's Chemical Emergency Response and Preparedness Plan, annual review and testing of the plan, training and education, compliance, and enforcement.

Article IV: LEPC Representation

Section 1: Composition of the LEPC

ORC Section 3750.03(B) requires that the LEPC be comprised of an appropriate amount, but at least one representative of the following entities; Elected State and Local officials; law enforcement; emergency management personnel; firefighting personnel; first aid/EMS personnel; health personnel; local environmental personnel; hospital personnel; transportation personnel; broadcast and print media personnel; community groups and owners and operators of facilities.

Section 2: Additional Membership

Additional members may be appointed in each of these interest groups, as appropriate and necessary. In addition to the twelve (12) mandated participants identified in Article IV Section 1 and in accordance with ORC 3750.0, representatives from other interested and/or affected organizations may also be solicited for membership.

Section 3: Alternate Members

A member may designate another individual to represent the member, in such member's absence, at meeting of the CCLEPC. Such alternates shall have full voting privileges and shall count towards a quorum.

Section 4: Terms of Membership

The term of membership shall be two (2) years. Terms begin on August 1 of the odd years with each term ending on July 31 as the term it succeeds. Persons appointed to fill member's vacancies shall complete the term of the member replaced. Members may be reappointed to an unlimited number of terms of office. A member shall continue in office subsequent to the expiration date of his term until his successor takes office or until a period of sixty days has elapsed, whichever occurs first.

Section 5: Appointment of the LEPC, Election of Officers.

In August of the odd year, a new LEPC will be appointed by SERC based upon a list of persons the County Commissioners has recommended to the SERC. SERC will request, in writing, that the County Commissioners provide them their recommendations by a certain date.

To assist the County Commissioners develop their recommendations for SERC, the LEPC Secretary will provide the County Commissioners, a listing of current LEPC membership indicating which members are willing to serve another two year term along with a listing of additional members solicited by the LEPC, and those willing to be officers.

At the February meeting of the odd numbered years, the LEPC Chairperson shall appoint a Nominating Committee, consisting of four members, to nominate a LEPC Chairperson and Vice-Chairperson from the current membership roster. Nominees shall be given to the secretary prior to the May meeting.

At the August meeting of the newly appointed LEPC, an election of LEPC officers, the Chairperson, Vice-Chairperson and Secretary will be conducted by an officer of the previous LEPC. The election will include individuals recommended by the Nominating Committee and nominations from the floor. All person(s) to be nominated shall be voting members contacted prior to the election and have indicated willingness to serve if elected.

The LEPC Secretary will provide names of the new Officers to the County Commission and the SERC immediately following the meeting. The names of the individuals appointed to fill the permanent LEPC positions of the Information Coordinator (EMA Director), Community Emergency Coordinator (Haz-Mat Coordinator), and Secretary/Treasurer (EMA Finance/Administrative Assistant) will also be included in this notice.

Section 6: Filling Vacancies

Vacancies may occur due to resignation or removal action (ORC Section 3750.03(B)). The vacancies shall be filled in the following manner; the LEPC shall identify a qualified replacement and nominate, by vote of the membership, this person to fill the position in which such vacancy exists; the LEPC Secretary shall submit that person's name, with the recommendation that the person serve the balance of the remaining term, to the County Commissioners requesting they nominate this person to the SERC for appointment to the LEPC.

The County Commissioners should pass a Resolution requesting SERC appoint this person to the County LEPC to fill the remainder of the term and forward the request to the SERC.

Article V: Jurisdictional Boundary

The Clark County's LEPC's jurisdictional boundary is all of Clark County, Ohio.

Article VI: Powers and Duties

Section 1: Powers

ORC Section 3750.03(D) states the LEPC shall have the authority to: appoint a Chairperson, Vice-chairperson, Information Coordinator and Community Emergency Coordinator, and a Secretary; to adopt by-laws; to purchase goods or services, to enter into lease or contract agreements, and accept gifts on behalf of the LEPC; and to establish and carry out accomplishments and enforcement activities.

ORC Section 3750.003(E) provides the LEPC authority and guidance that it may: Receive or accept from any public or private source, gifts, grants, contributions of money, services of personnel, and real or personal property, or their use; appoint and fix compensation of employees; designate additional facilities within the district to be subject to the plan; and adopt rules for dealing with facilities within the planning district.

Section 2: LEPC Meetings

The LEPC shall meet a minimum of five (5) times each calendar year. Four (4) times for LEPC meetings on a quarterly schedule that the LEPC will set the time and date of its regular quarterly meeting, and one time (1) annually for the required LEPC exercise.

To be excused from a scheduled meeting the member in question shall contact prior to the conduct of the meeting, one of the following: Chairperson, Vice-Chairperson or Secretary.

A. Regular Meetings

A minimum of 72 hours notice will be given to all members of the LEPC, and a public announcement of the meeting date, time, and location will be made, in advance of a LEPC meeting.

Such notice, or announcement, will be in writing by mail. If it is likely mailed notice would not reach the members or media, in sufficient time of the meeting, such notice will be given by e-mail, person, or telephone.

Minutes of the meetings will be taken and maintained with the official LEPC records.

B. Special Meetings

The LEPC Chair shall have the authority to call a special meeting of the LEPC if he or she determines that a need exists that is essential for such a meeting.

Minutes of the meetings will be taken and maintained with the official LEPC records.

Section 3: Quorum

A two-thirds majority of the LEPC present at the regular or special meeting shall constitute a quorum for the transaction of LEPC business. Business shall be transacted only at properly scheduled and announced meetings.

Section 4: Removal of a Member

The LEPC, by a two-thirds vote of all its members, may at any time remove a member for misfeasance, malfeasance, or nonfeasance, or at the request of the LEPC, the SERC may remove a member of the LEPC for any of those reasons (ORC 3750.03(B)).

Article VII: Funding

Section 1: Handling of Funds

All funds, including grant and gifts, received on behalf of the LEPC, shall be credited to a "special emergency planning fund" in the treasury of the county as directed by ORC Section 3750.03(F).

The LEPC shall receive the services of the County Auditor as directed under ORC 3750.03(F). The Auditor will provide the LEPC guidance regarding procedures utilized by the County to expend funds and an accounting of the LEPC's account.

Section 2: Grant Applications

The LEPC shall be responsible for making application to the SERC and others for grant that is available to the LEPC. Examples include: SERC grant, PUCO grant; HEMP grant.

Section 3: Expenditure of Funds

The LEPC will not, under any circumstances, obligate funds in excess of the amount of dollars in its account with the County Auditor.

The Chairperson, Vice-Chairperson, and the Secretary of the LEPC may make purchases for goods (costing up to \$500.00).

The LEPC will review all requests and either approve or disapprove entering into contracts for services.

All bills or invoices paid will be identified at the next LEPC meeting. If final receipt of the bills or invoices has not occurred then an estimated cost will be given.

Expenditures for such items as contracted services (telephone, services agreements, secretarial services, etc) or any other expenditure over \$500.00 will require pre-approval by a quorum vote of the LEPC.

Purchase Orders (PO) are authorized to be issued only after approval of the annual budget by the LEPC and accepted by SERC. Any changes in the budget are to be made by a quorum vote of the LEPC and sent to SERC for final approval. All expenditures will be handled in accordance with standard fiscal procedures set forth by the County Auditor. The LEPC will adhere to the County's fiscal accounting and operating procedures.

Section 4: Purchase Accountability of Durable Items

Any durable items purchased from LEPC funds shall be accounted for in accordance with methods and procedures of the Clark County's Auditor Office and applicable federal and state grant regulations

All such items purchased or donated to the LEPC, will be accounted for and properly marked as County property in accordance with established county procedures and applicable state and federal regulations.

A listing of these durable items will be maintained and provided to the membership at the first scheduled meeting following the LEPC's appointment by the SERC. Items, which have lost their usefulness due to age, usage, breakage, or disrepair, will be identified to the LEPC for their recommendation on salvage or disposal.

Article IX: Membership Changes

At the end of its two year term, the LEPC shall, after reconciling the LEPC records, prepare a financial accounting for its two year term of office. This accounting shall include funds balance, funds received, funds expended, durable items purchased and the ending balance.

Article X: Parliamentary Authority

The rules contained in Roberts Rules or Order shall govern the LEPC and all standing and ad hoc committees.

Article XI: Amendments

Any LEPC member shall have the right to comment on or suggest revision to the Constitution and By-Laws. The member will make his or her request in writing to the LEPC Secretary, a minimum of 72 hours prior to the meeting, stating the portion(s) of the document which he or she wishes to discuss.

The LEPC shall have the power to amend the Constitution and By-laws in the following manner. Written notice containing the proposed amendment(s) shall be sent to each members of the LEPC at least 30 days in advance of the date set for voting on the amendment(s).

Ballots will be provided to each member of the LEPC who shall return their ballot either by mail or in person to the Chairperson, Vice-Chairperson, or Secretary on or before the date set in the written notice. To be approved, Amendments must receive a two-thirds majority vote of the ballots received.

This document and all proposed amendments to this document shall be provided to the County Prosecutor for review and comments a minimum of 30 days prior to the date set for the LEPC vote.

Clark County LEPC Constitution and By-Laws

LEPC:

CLARK COUNTY, OHIO



J. Mike Beers

LEPC Chairman, 2007-2009

BOARD OF COMMISSIONERS:

CLARK COUNTY, OHIO



W. Darrell Howard

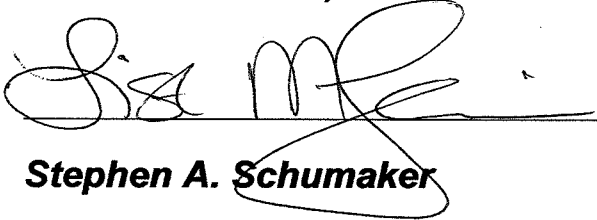
County Administrator

Date: 2 / 4 / 09

Date: 2 / 05 / 09

APPROVED AS TO FORM:

CLARK COUNTY, OHIO



Stephen A. Schumaker

County Prosecutor

Date: 2 / 3 / 09